

## **REMARKS**

### **I. Summary of Office Action**

In the final office action mailed December 6, 2010, the Examiner rejected claims 1-40. Claims 1-3, 6-7, 11-21, 23-26 and 28-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Killian (U.S. Patent No. 6,163,316), in view of Klosterman et al. (U.S. Patent No. 5,940,073), hereafter referred to as Killian and Klosterman, respectively. Claims 4-5, 8-10 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Killian in view of Klosterman and further in view of Slotznick (U.S. Patent No. 6,011,537), hereafter referred to as Slotznick.

### **II. Status of Claims**

Pending are claims 1-40, of which claims 1, 19, 24, 29, 33, 35 and 37 are independent and the remainder are dependent.

### **III. Response to the 35 U.S.C. § 103(a) Rejections**

The Examiner rejected claims 1-3, 6-7, 11-21, 23-26 and 28-40 under 35 U.S.C. § 103(a) as being unpatentable over Killian in view of Klosterman.

The Examiner rejected claims 4-5, 8-10 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Killian in view of Klosterman and further in view of Slotznick.

#### **A. The Cited References Do Not Show Remotely Enabling Recording From a Different Location**

Applicants' claims are directed to allowing television viewers to program recording devices to record TV shows when they are not at home in front of their TV.

Applicants' prior response amended independent claims 1, 19, 24, 29, 33, 35 and 37 to more strongly emphasize the aspect of enabling recording from a "remote" location that is a "different physical location" than the media device being programmed.

The Examiner's rejection alleged "Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian." The Examiner correctly recognizes that the recording device and the television "are not within one device/component," but then arrives at the unsupported conclusion "nor are they located at the same exact location. *They are all remote from one another.*" Office Action, December 6, 2010, page 3(emphasis added).

The Examiner's conclusion that "They are all remote from one another," however, is refuted by Killian. The Examiner is correct that the DB server 46 is separate and remotely located, as evidenced by its connection over the Internet link 14. In contrast to the remotely located DB server 46 and database 48, however, recorder 20 is not connected over the Internet link 14. Rather, the recorder 20 is at the same location and directly connected to the television receiver 10 and television 40 with local recorder control line 16—not the network connection of Internet link 14. Contrary to the Examiner's rejection, the VCR/DVR recording device 20 is separate from the TV, *but located with and directly connected to the TV receiver.* Thus, the disclosure of Killian refutes that the recording device 20 is remote from the television. Killian, col. 3, lines 9-12.

Applicants respectively submit that, in view of the remarks above, all of the pending claims 1-40 are allowable over the cited references.

**B. Claims 3, 20 and 25 Are Further Allowable As Killian and Klosterman Do Not Disclose a One-Click Programming Method**

Dependent claim 3 recites that selection of the advertisement and automatic programming of the media-based device is invoked by one click on a hyperlink. This claim was rejected on the ground that “Klosterman it is taught how a user can click on an ad which results in the recording of the corresponding infomercial; see column 2, lines 14-17, Klosterman.” Office Action, pg. 25.

Although the initial click may eventually result in the recording, Klosterman does not actually teach that it can be accomplished in one click. Klosterman teaches that “the user may click on the information region to see a billboard or schedule a recording of an infomercial on the product.” Col. 2, lines 14-17. Klosterman does not teach that a single click on the information region automatically makes the recording, rather, the first click only allows to further schedule a recording. Thus, claim 3 is not rendered obvious by Killian and Klosterman and is allowable.

Claims 20 and 25 similarly recite “the media-based device records the broadcast program with one click ... of the advertisement.” Again, the prior art does not disclose a broadcast program being recorded with a single click on an advertisement. Thus, claims 20 and 25 are also allowable for this reason as well.

**IV. Conclusion**

Applicants respectively submit that, in view of the remarks above, all of the pending claims 1-40 are allowable over the cited references. Applicants, therefore, respectfully request withdrawal of the current rejections and notification of allowance.

The Examiner is invited to call the undersigned at (312) 913-2134 with any questions or comments.

Respectfully submitted,

Date: February 4, 2011

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